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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,346	12/29/2003	John Dimitroff	200304140-2	8132

7590 10/22/2007  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P. O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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NGUYEN, PHUOC H

ART UNIT	PAPER NUMBER
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2143

MAIL DATE	DELIVERY MODE
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10/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/748,346

Applicant(s)

DIMITROFF ET AL.

Examiner

Phuoc H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment filed on August 2, 2007. Previous office action contained claims 11-21. Amendment filed on August 2, 2007 have been entered and made of record. Therefore, pending claims 11-21 are presented for further consideration and examination.

### ***Response to Arguments***

2. Applicant's arguments filed August 2, 2007 have been fully considered but they are not persuasive.

The applicant argues in pages 6-8 for claim 11 rejected under 35 U.S.C. 102(e) that the cited reference by Teare et al., particularly the cited portion col. 8 lines 37-53; col. 19 lines 12-26 and 40-47; col. 20 lines 21-27; and col. 26 first paragraph, fails to disclose the limitations cited in the claimed invention, the detail of monitoring agent and modifying the command object.

The examiner respectfully submits that the cited reference by Teare et al. disclose every limitations cited in claim 1, particularly the monitoring agent and its modification to the command object. In the previous cited citations, they disclose the monitoring agent as the crawler mechanism and the processes of modifying the command object is the resolver processes function. In the citation col. 8 lines 37-53, the crawler mechanism acts as the monitoring agent which periodically monitoring the metadata object in the server, which communicates with the relevant clients, for any changes. In the citation col. 20 lines 21-27, the resolver function acts as

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the modification process to the command object by adding/getting the real network address information corresponding to the real name requests from clients to the remote metadata object.

Thus, the cited reference by Teare et al. clearly disclose every limitations cited in the independent claim 11 as addressed clearly in the above rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 11 is rejected under 35 U.S.C. 102(e) as being unpatentable over Teare et al. U.S. Patent 6,151,624.

Re claim 11, Teare discloses a computer system for operation in a network, the system comprising a storage system, a network interface, and a processor (e.g. Figure 1B); the system containing a local copy of a portion of a distributed metadata registry (Abstract) and an agent for monitoring communications between machines of the computer network and the compute system for communications relevant to a command object of the metadata registry, the agent being configured to modify the command object by adding thereto network address information of machines of the computer network that should participate in a communication affecting the metadata registry to maintain coherency of the metadata registry (e.g. col. 8 lines 37-53; col. 19 lines 12-26 and 40-47; col. 20 lines 21-27 and col. 26 1<sup>st</sup> paragraph).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-15, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teare et al. U.S. Patent 6,151,624 in view of Lumelsky et al. U.S. Patent 6,460,082.

Re claims 12-15, Teare discloses the system containing a local copy of a portion of a distributed metadata registry (Abstract) and an agent for monitoring communications between machines of the computer network and the compute system for communications relevant to a command object of the metadata registry; however, Teare fails to teach the command object further comprises a quality-of-service object comprising a desired capacity, latency, and bandwidth, wherein the computer system comprises an allocator that selects a resource of the storage system according to criteria comprising the desired capacity, latency, and bandwidth of the quality-of-service object and available resource information of the metadata registry.

Lumelsky discloses a quality-of-service object comprising a desired capacity, latency, and bandwidth, wherein the computer system comprises an allocator that selects a resource of the storage system according to criteria comprising the desired capacity, latency, and bandwidth of the quality-of-service object and available resource information of the metadata registry (e.g. Figures 5 and 7; col. 5 2<sup>nd</sup> paragraph).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Lumelsky's teaching into Teare's system by allocating selects resource of the storage system based on the desired capacity, latency, and bandwidth of quality-of-service as a result it will enables coordinating of all system resources for polling, re-assignment and release of resource to provide a QoS requested by an application.

Re claims 20-21, Teare discloses the system containing a local copy of a portion of a distributed metadata registry (Abstract) and an agent for monitoring communications between machines of the computer network and the compute system for communications relevant to a command object of the metadata registry; however, Teare fails to teach the metadata registry comprises information about processing resources of the network, and wherein the quality-of-service object comprises desired processing resources, and the allocator uses at least one of the information about processing resources of the network and the desired processing resources to select a resource..

Lumelsky discloses the metadata registry comprises information about processing resources of the network, and wherein the quality-of-service object comprises desired processing resources, and the allocator uses at least one of the information about processing resources of the network and the desired processing resources to select a resource (e.g. Figures 5 and 7; col. 5 2<sup>nd</sup> paragraph).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Lumelsky's teaching into Teare's system by allocating selects resource of the network based on the desired processing resources of select resource as a result it

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will enables coordinating of all system resources for polling, re-assignment and release of resource to provide a QoS requested by an application.

7. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teare et al. U.S. Patent 6,151,624 in view of Raciborski et al. U.S. Publication No. 2005/0160154.

Re claims 16-19, Teare discloses the system containing a local copy of a portion of a distributed metadata registry (Abstract) and an agent for monitoring communications between machines of the computer network and the compute system for communications relevant to a command object of the metadata registry; however, Teare fails to teach the metadata registry comprises network topology information and network load information and the resource allocator uses the network topology information and the desired network hop information and network load information to select a resource

Lumelsky discloses the metadata registry comprises network topology information and network load information and the resource allocator uses the network topology information and the desired network hop information and network load information to select a resource (e.g. pages 7-8 paragraph [0092]).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Lumelsky's teaching into Teare's system by allocating selects resource based on the desired network hop and load information as a result it will improve the quality of service when distributing content [e.g. page 1 paragraph [0003]].

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

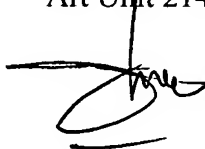
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phuoc H Nguyen  
Examiner  
Art Unit 2143



October 8, 2007